

BEST AVAILABLE COPY**RECEIVED
CENTRAL FAX CENTER****SEP 01 2006**Serial No.: 10/535,075
Attorney's Docket: 2002CH011
Page 8**REMARKS**

The Office Action mailed April 4, 2006 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 11 are pending in the subject Application. By this Amendment, Claim 1 – 3 and 5 have been amended and Claims 4 and 11 have been cancelled. No new matter has been introduced by these amendments. Consequently, the claims under consideration are believed to include Claims 1 – 3 and 5 – 10.

Objection to the Specification

The Office states, "The disclosure is objected to because of the following informalities: on page 4, line 16 of the specification, a comma should be inserted between the terms "R" and "R". Appropriate correction is required."

By this Amendment, Applicant has amended the Specification to insert a comma between "R" and "R". Applicants respectfully overcome this objection and courteously request the Specification be allowed.

Claim Objection

Claims 1 – 4 and 11 stand objected to because of informalities. Claim 5 stands objected to for depending from a rejected base claim. By this Amendment, Applicant has cancelled Claims 4 and 11, and therefore, the objection with respect to these claims is moot. Applicant has amended Claims 1 – 3 and 5 per the Examiner's suggestion, thereby overcoming the objection.

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Claim Rejections Under 35 U.S.C. §103

Claims 1 – 4 and 6 – 11 stand rejected under 35 USC § 103(a) as being unpatentable over US Pat. No. 4,981,837 to Tanaka, et al. This rejection is respectfully overcome.

By this Amendment, Applicant has amended Claims 1 – 3.

A sustainable *prima facie* case of obviousness, requires that the prior art contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references in a manner to arrive at the claimed invention. Applicants respectfully can not find any incentive or suggestion to modify Tanaka, et al. in a manner enabling one with ordinary skill in the art to arrive at the newly amended claims. Applicant courteously requests Claims 1 – 3 and 5 – 10 be allowed.

Claims 1, 6, 7, 9, and 11 stand rejected under 35 USC § 103(a) as being unpatentable over DE 3433957. This rejection is respectfully overcome.

By this Amendment, Applicant has amended Claim 1 to more distinctly point out and claim the subject matter.

Applicant respectfully can not find any incentive or suggestion to modify DE3433957 in a manner enabling one with ordinary skill in the art to arrive at the newly amended Claim 1, wherein the benzothiazole moiety can no longer be substituted with a halogen atom. Claims 6, 7, and 9 depend from amended Claim 1; as such, Applicant believes all claims standing rejected over DE3433957 can no longer be deemed obvious as proffered by the Office. Applicant courteously requests Claims 1, 6, 7, and 9 be allowed. As Claim 11 has been cancelled, the rejection of this Claim is now moot.

For at least the foregoing reason, Applicant is of the courteous position that the § 103 rejections have been overcome. Reconsideration and withdrawal of the § 103 rejections is respectfully and earnestly solicited.

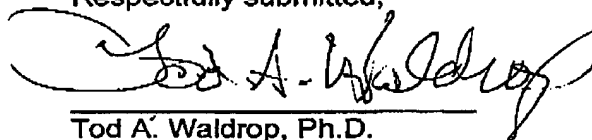
As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the

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Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,



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